

LC

| | | | |
|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/015,154 | BLONG, THOMAS J. | |
| | Examiner | Art Unit | |
| | Sandra M. Nolan | 1772 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 13 February 2004 response.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) - Paper No. 6
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3-8-02, 8-2-02, 2-19-03 + 12-27-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20040501.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Dean Harts (651/737-2325) on 01 May 2004.

The application has been amended as follows:

In the Claims

Claims 31-40 have been cancelled.

Remarks

The nonelected claims have been cancelled.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:
4. The base claims are claims 1 and 24. They can be summarized as follows:

Claim 1 covers a melt processable composition comprising a major amount of a first fluoropolymer (F resin), wherein the first F resin comprises a semi-crystalline fluorinated copolymer, and minor amount of a second F resin to reduce the melt defects of the composition, the F resins being selected from:

- a) a semi-crystalline prefluorinated copolymer;

b) an F resin derived from an essentially perfluorinated monomer, a non-fluorinated hydrogen-containing monomer, and optionally, a perfluorobutyl-ethylene and/or no more than 1 wt% of other fluorinated monomers;

c) an F resin derived from a partially fluorinated monomer and optionally at least one essentially perfluorinated monomer; and

d) an amorphous copolymer of tetrafluoroethylene and hexafluoropropylene;
wherein:

- when the first F resin is b), the second is a), c) and or d),
- when the first F resin is c), the second is a, b) and or d),

with the added proviso that if c) is present, either (i) 80% or more thereof or (ii) 5% or less thereof is used.

Claim 24 covers a melt processable fluorothermoplastic composition comprising a major amount of a first F resin, wherein the first F resin comprises a semi-crystalline fluorinated copolymer, and minor amount of a second F resin to reduce the melt defects of the composition, with the second F resin being selected from:

a) an amorphous fluorinated copolymer derived from a perfluoro (alkoxy vinyl)ether and a monomer that may be partially or fully fluorinated; and/or

b) up to 5% of an amorphous fluorinated copolymer derived from a perfluoro (alkoxy vinyl)ether and at least 3 mole% of a hydrogen containing comonomer.

5. The arguments submitted on pages 10 and 11 concerning the 35 USC 112 rejections have been persuasive. All 35 USC 12 rejections herein have been overcome.


6. The prior art of record fails to teach or suggest compositions having all of the features recited in claims 1 and 24, as summarized above.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra M. Nolan whose telephone number is 571/272-1495. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571/272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SANDRA M. NOLAN
PRIMARY EXAMINER

5-1-04